

**BEFORE THE
BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2002021003010

**AFRICA RENEE ROJAS RIVERA
P.O. Box 6141
Lakewood, CA 90714**

**Associate Clinical Social Worker
Registration No. ASW 90380,**

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of Registration and Order is hereby adopted by the Board of Behavioral Sciences, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on January 5, 2023.

It is so ORDERED December 6, 2022.



FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS



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8
9 **BEFORE THE**
BOARD OF BEHAVIORAL SCIENCES
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2002021003010

13 **AFRICA RENEE ROJAS RIVERA**
14 **P.O. Box 6141**
Lakewood, CA 90714

15 **Associate Clinical Social Worker**
Registration No. ASW 90380,

16 Respondent.

**STIPULATED SURRENDER OF
REGISTRATION AND ORDER**

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Steve Sodergren (Complainant) is the Executive Officer of the Board of Behavioral
22 Sciences (Board). He brought this action solely in his official capacity and is represented in this
23 matter by Rob Bonta, Attorney General of the State of California, by Claudia Morehead, Deputy
24 Attorney General.

25 2. Africa Renee Rojas Rivera (Respondent) is representing herself in this proceeding
26 and has chosen not to exercise her right to be represented by counsel.

27 3. On or about July 19, 2019, the Board issued Associate Clinical Social Worker
28 Registration No. ASW 90380 to Respondent. The Associate Clinical Social Worker Registration

1 expired on July 31, 2022, and has not been renewed.

2 **JURISDICTION**

3 4. Accusation No. 2002021003010 was filed before the Board, and is currently pending
4 against Respondent. The Accusation and all other statutorily required documents were properly
5 served on Respondent on September 29, 2022. Respondent timely filed her Notice of Defense
6 contesting the Accusation. A copy of Accusation No. 2002021003010 is attached as Exhibit A
7 and incorporated by reference.

8 **ADVISEMENT AND WAIVERS**

9 5. Respondent has carefully read, and understands the charges and allegations in
10 Accusation No. 2002021003010. Respondent also has carefully read, and understands the effects
11 of this Stipulated Surrender of Registration and Order.

12 6. Respondent is fully aware of her legal rights in this matter, including the right to a
13 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
14 her own expense; the right to confront and cross-examine the witnesses against her; the right to
15 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
16 compel the attendance of witnesses and the production of documents; the right to reconsideration
17 and court review of an adverse decision; and all other rights accorded by the California
18 Administrative Procedure Act and other applicable laws.

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
20 every right set forth above.

21 **CULPABILITY**

22 8. Respondent understands that the charges and allegations in Accusation No.
23 2002021003010, if proven at a hearing, constitute cause for imposing discipline upon her
24 Associate Clinical Social Worker Registration.

25 9. For the purpose of resolving the Accusation without the expense and uncertainty of
26 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
27 basis for the charges in the Accusation and that those charges constitute cause for discipline.
28 Respondent hereby gives up her right to contest that cause for discipline exists based on those

1 charges.

2 10. Respondent understands that by signing this stipulation she enables the Board to issue
3 an order accepting the surrender of her Associate Clinical Social Worker Registration without
4 further process.

5 **CONTINGENCY**

6 11. This stipulation shall be subject to approval by the Board. Respondent understands
7 and agrees that counsel for Complainant and the staff of the Board may communicate directly
8 with the Board regarding this stipulation and surrender, without notice to or participation by
9 Respondent. By signing the stipulation, Respondent understands and agrees that she may not
10 withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers
11 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
12 Stipulated Surrender of Registration and Order shall be of no force or effect, except for this
13 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
14 be disqualified from further action by having considered this matter.

15 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
16 copies of this Stipulated Surrender of Registration and Order, including PDF and facsimile
17 signatures thereto, shall have the same force and effect as the originals.

18 13. This Stipulated Surrender of Registration and Order is intended by the parties to be an
19 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
20 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
21 negotiations, and commitments (written or oral). This Stipulated Surrender of Registration and
22 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
23 writing executed by an authorized representative of each of the parties.

24 14. In consideration of the foregoing admissions and stipulations, the parties agree that
25 the Board may, without further notice or formal proceeding, issue and enter the following Order:

26 **ORDER**

27 IT IS HEREBY ORDERED that Associate Clinical Social Worker Registration No. ASW
28 90380, issued to Respondent Africa Renee Rojas Rivera, is surrendered and accepted by the

1 Board.

2 1. The surrender of Respondent's Associate Clinical Social Worker Registration and the
3 acceptance of the surrendered Registration by the Board shall constitute the imposition of
4 discipline against Respondent. This stipulation constitutes a record of the discipline and shall
5 become a part of Respondent's Registration history with the Board.

6 2. Respondent shall lose all rights and privileges as an Associate Clinical Social Worker
7 in California as of the effective date of the Board's Decision and Order.

8 3. Respondent shall cause to be delivered to the Board her Registration and current
9 renewal certificate on or before the effective date of the Decision and Order.

10 4. Respondent further agrees that with the adoption by the Board of her Registration
11 surrender, Respondent may not petition the Board for reinstatement of the surrendered
12 Registration.

13 5. Respondent may reapply to the Board for licensure three years from the effective date
14 of surrender and must meet all current requirements for licensure including, but not limited, to
15 filing a current application, meeting all current educational and experience requirements, and
16 taking and passing any and all examinations required of new applicants.

17 6. Respondent shall pay the Board its costs of investigation and enforcement in the
18 amount of \$8,339.00 prior to the issuance of a new registration or license.

19 7. If Respondent should ever reapply for licensure as an Associate Clinical Social
20 Worker or should she ever apply for any other registration or license issued by the Board, or by
21 the Board of Psychology, all of the charges contained in Accusation No. 2002021003010 shall be
22 deemed admitted for the purpose of any Statement of Issues or other proceeding seeking to deny
23 such application or reapplication.

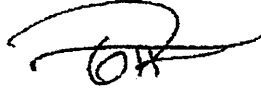
24 **ACCEPTANCE**

25 I have carefully read the Stipulated Surrender of Registration and Order. I understand the
26 stipulation and the effect it will have on my Associate Clinical Social Worker Registration. I
27 enter into this Stipulated Surrender of Registration and Order voluntarily, knowingly, and

28 ///

1 intelligently, and agree to be bound by the Decision and Order of the Board of Behavioral
2 Sciences.

3
4
5 DATED: 10/19/22


AFRICA RENEE ROJAS RIVERA
Respondent, In Pro Per

7
8 **ENDORSEMENT**

9 The foregoing Stipulated Surrender of Registration and Order is hereby respectfully
10 submitted for consideration by the Board of Behavioral Sciences of the Department of Consumer
11 Affairs.

12 DATED: 10/20/22

Respectfully submitted,

13 ROB BONTA
14 Attorney General of California
15 THOMAS L. RINALDI
16 Supervising Deputy Attorney General



17 CLAUDIA MOREHEAD
18 Deputy Attorney General
19 *Attorneys for Complainant*

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Exhibit A

Accusation No. 2002021003010

1 ROB BONTA
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BOARD OF BEHAVIORAL SCIENCES
11 **DEPARTMENT OF CONSUMER AFFAIRS**
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Case No. 2002021003010

14 **AFRICA RENEE ROJAS RIVERA**
15 **P.O. Box 6141**
Lakewood, CA 90714

ACCUSATION

16 **Associate Clinical Social Worker**
17 **Registration No. ASW 90380,**

Respondent.
18

19 **PARTIES**

20 1. Steve Sodergren ("Complainant") brings this Accusation solely in his official
21 capacity as the Executive Officer of the Board of Behavioral Sciences, Department of Consumer
22 Affairs.

23 2. On or about July 19, 2019, the Board of Behavioral Sciences issued Associate
24 Clinical Social Worker Registration Number ASW 90380 to Africa Renee Rojas Rivera
25 ("Respondent"). The Associate Clinical Social Worker Registration expired on July 31, 2022,
26 and has not been renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board of Behavioral Sciences ("Board"),

1 Department of Consumer Affairs, under the authority of the following laws. All section
2 references are to the Business and Professions Code ("Code") unless otherwise indicated.

3 4. Section 4992.3 of the Code states:

4 The board may deny a license or a registration, or may suspend or revoke the
5 license or registration of a licensee or registrant if the licensee or registrant has been
6 guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited
to, the following:

7 (a) The conviction of a crime substantially related to the qualifications,
8 functions, or duties of a licensee or registrant under this chapter. The record of
9 conviction shall be conclusive evidence only of the fact that the conviction occurred.
10 The board may inquire into the circumstances surrounding the commission of the
11 crime in order to fix the degree of discipline or to determine if the conviction is
12 substantially related to the qualifications, functions, or duties of a licensee or
13 registrant under this chapter. A plea or verdict of guilty or a conviction following a
14 plea of nolo contendere made to a charge substantially related to the qualifications,
functions, or duties of a licensee or registrant under this chapter is a conviction within
the meaning of this section. The board may order any license or registration
suspended or revoked, or may decline to issue a license or registration when the time
for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or,
when an order granting probation is made suspending the imposition of sentence,
irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing
the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside
the verdict of guilty, or dismissing the accusation, information, or indictment.

15 ...

16 (d) Incompetence in the performance of clinical social work.

17 (e) An act or omission that falls sufficiently below the standard of conduct of
18 the profession as to constitute an act of gross negligence.

19 ...

20 (j) Intentionally or recklessly causing physical or emotional harm to any client.

21

22 STATUTORY PROVISIONS

23 5. Section 4990.33 states:

24 Notwithstanding any other law, except as provided in Section 4990.32, the
25 expiration, cancellation, forfeiture, or suspension of a license, registration, or other
26 authority to practice by operation of law or by order or decision of the board or a
27 court of law, the placement of a license on a retired status, or the voluntary surrender
28 of a license or registration by a licensee or registrant, of any license or registration
within the authority of the board, shall not deprive the board of jurisdiction to
commence or proceed with any investigation of, or action or disciplinary proceeding
against, the licensee or registrant or to render a decision suspending or revoking the
license or registration.

1 6. Section 4996.11 of the Code states that [t]he board may suspend or revoke the license
2 of any person who is guilty on the grounds set forth in Section 4992.3. The proceedings for the
3 suspension or revocation of licenses under this article shall be conducted in accordance with
4 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government
5 Code, and the board shall have all the powers granted in that chapter.

6 7. Section 481 of the Code states:

7 (a) Each board under this code shall develop criteria to aid it, when considering
8 the denial, suspension, or revocation of a license, to determine whether a crime is
9 substantially related to the qualifications, functions, or duties of the business or
10 profession it regulates.

11 (b) Criteria for determining whether a crime is substantially related to the
12 qualifications, functions, or duties of the business or profession a board regulates
13 shall include all of the following:

14 (1) The nature and gravity of the offense.

15 (2) The number of years elapsed since the date of the offense.

16 (3) The nature and duties of the profession in which the applicant seeks
17 licensure or in which the licensee is licensed.

18 (c) A board shall not deny a license based in whole or in part on a conviction
19 without considering evidence of rehabilitation submitted by an applicant pursuant to
20 any process established in the practice act or regulations of the particular board and as
21 directed by Section 482.

22 (d) Each board shall post on its Internet Web site a summary of the criteria used
23 to consider whether a crime is considered to be substantially related to the
24 qualifications, functions, or duties of the business or profession it regulates consistent
25 with this section.

26 (e) This section does not in any way modify or otherwise affect the existing
27 authority of the following entities in regard to licensure:

28 (1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(f) This section shall become operative on July 1, 2020.

8. Section 482 of the Code states:

(a) Each board under this code shall develop criteria to evaluate the
rehabilitation of a person when doing either of the following:

(1) Considering the denial of a license by the board under Section 480.

1 (2) Considering suspension or revocation of a license under Section 490.

2 (b) Each board shall consider whether an applicant or licensee has made a
3 showing of rehabilitation if either of the following are met:

4 (1) The applicant or licensee has completed the criminal sentence at issue
5 without a violation of parole or probation.

6 (2) The board, applying its criteria for rehabilitation, finds that the applicant is
7 rehabilitated.

8 (c) This section does not in any way modify or otherwise affect the existing
9 authority of the following entities in regard to licensure:

10 (1) The State Athletic Commission.

11 (2) The Bureau for Private Postsecondary Education.

12 (3) The California Horse Racing Board.

13 (d) This section shall become operative on July 1, 2020.

14 9. Section 490 of the Code states:

15 (a) In addition to any other action that a board is permitted to take against a
16 licensee, a board may suspend or revoke a license on the ground that the licensee has
17 been convicted of a crime, if the crime is substantially related to the qualifications,
18 functions, or duties of the business or profession for which the license was issued.

19 (b) Notwithstanding any other provision of law, a board may exercise any
20 authority to discipline a licensee for conviction of a crime that is independent of the
21 authority granted under subdivision (a) only if the crime is substantially related to the
22 qualifications, functions, or duties of the business or profession for which the
23 licensee's license was issued.

24 (c) A conviction within the meaning of this section means a plea or verdict of
25 guilty or a conviction following a plea of nolo contendere. Any action that a board is
26 permitted to take following the establishment of a conviction may be taken when the
27 time for appeal has elapsed, or the judgment of conviction has been affirmed on
28 appeal, or when an order granting probation is made suspending the imposition of
sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of
the Penal Code.

(d) The Legislature hereby finds and declares that the application of this section
has been made unclear by the holding in *Petropoulos v. Department of Real Estate*
(2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant
number of statutes and regulations in question, resulting in potential harm to the
consumers of California from licensees who have been convicted of crimes.
Therefore, the Legislature finds and declares that this section establishes an
independent basis for a board to impose discipline upon a licensee, and that the
amendments to this section made by Chapter 33 of the Statutes of 2008 do not
constitute a change to, but rather are declaratory of, existing law.

///

1 10. Section 493 of the Code states:

2 (a) Notwithstanding any other law, in a proceeding conducted by a board within
3 the department pursuant to law to deny an application for a license or to suspend or
4 revoke a license or otherwise take disciplinary action against a person who holds a
5 license, upon the ground that the applicant or the licensee has been convicted of a
6 crime substantially related to the qualifications, functions, and duties of the licensee
7 in question, the record of conviction of the crime shall be conclusive evidence of the
8 fact that the conviction occurred, but only of that fact.

9 (b) (1) Criteria for determining whether a crime is substantially related to the
10 qualifications, functions, or duties of the business or profession the board regulates
11 shall include all of the following:

12 (A) The nature and gravity of the offense.

13 (B) The number of years elapsed since the date of the offense.

14 (C) The nature and duties of the profession.

15 (2) A board shall not categorically bar an applicant based solely on the type of
16 conviction without considering evidence of rehabilitation.

17 (c) As used in this section, "license" includes "certificate," "permit,"
18 "authority," and "registration."

19 (d) This section does not in any way modify or otherwise affect the existing
20 authority of the following entities in regard to licensure:

21 (1) The State Athletic Commission.

22 (2) The Bureau for Private Postsecondary Education.

23 (3) The California Horse Racing Board.

24 (e) This section shall become operative on July 1, 2020.

25 REGULATORY PROVISIONS

26 11. California Code of Regulations, title 16, section 1812 states:

27 (a) For purposes of denial, suspension, or revocation of a license pursuant to
28 Section 141, Division 1.5 (commencing with Section 475), or Section 4982, Section
29 4989.54, Section 4992.3, or Section 4999.90 of the Code, a crime, professional
30 misconduct, or act shall be considered to be substantially related to the qualifications,
31 functions or duties of a person holding a license under Chapters 13, 13.5, 14, and 16
32 of Division 2 of the Code if to a substantial degree it evidences present or potential
33 unfitness of a person holding a license to perform the functions authorized by the
34 license in a manner consistent with the public health, safety or welfare. For purposes
35 of this section, "license" shall mean license or registration.

36 (b) In making the substantial relationship determination required under
37 subsection (a) for a crime, the board shall consider all of the following criteria:

38 (1) The nature and gravity of the offense.

1 (2) The number of years that have elapsed since the date of the offense.

2 (3) The nature and duties of a marriage and family therapist, educational
3 psychologist, clinical social worker, or professional clinical counselor.

4 (c) For purposes of subsection (a), a substantially related crime, professional
5 misconduct, or act shall include, but is not limited to, the following:

6 (1) Any violation of Article 6, Chapter 1, Division 2 (commencing with section
7 650) of the Code.

8 (2) Any violation of the provisions of Chapter 13 (commencing with section
9 4980), Chapter 13.5 (commencing with section 4989.10), Chapter 13.7 (commencing
10 with section 4990), Chapter 14 (commencing with section 4991), or Chapter 16
11 (commencing with section 4999.10) of Division 2 of the Code.

12 12. California Code of Regulations, title 16, section 1814 states:

13 (a) For purposes of this section, "license" shall mean license or registration.
14 "Licensee" shall mean licensee or registrant.

15 (b) When considering the suspension or revocation of a license under Section
16 490 of the Code on the ground that the holder of the license has been convicted of a
17 crime, the board shall consider whether the licensee made a showing of rehabilitation
18 if the licensee completed the criminal sentence at issue without a violation of parole
19 or probation. In making this determination, the board shall consider the following
20 criteria:

21 (1) The nature and gravity of the crime(s).

22 (2) The length(s) of the applicable parole or probation period(s).

23 (3) The extent to which the applicable parole or probation period was shortened
24 or lengthened, and the reason(s) the period was modified.

25 (4) The terms or conditions of parole or probation and the extent to which they
26 bear on the licensee's rehabilitation.

27 (5) The extent to which the terms or conditions of parole or probation were
28 modified, and the reason(s) for the modification.

(c) If the licensee has not completed the criminal sentence at issue without a
violation of parole or probation, the board determines that the licensee did not make
the showing of rehabilitation based on the criteria in subsection (b), the suspension or
revocation is based on a disciplinary action as described in Section 141 of the Code,
or the suspension or revocation is based on one or more of the grounds specified in
Article 2 of Chapter 13 of Division 2 (commencing with section 4982) of the Code,
Article 5 of Chapter 13.5 of Division 2 (commencing with section 4989.54) of the
Code, Article 2 of Chapter 13.7 of Division 2 (commencing with section 4990.28) of
the Code, Article 2 of Chapter 14 of Division 2 (commencing with section 4992.3) of
the Code, or Article 5 of Chapter 16 of Division 2 (commencing with section
4999.80) of the Code, the board shall apply the following criteria in evaluating the
licensee's or rehabilitation:

(1) The nature and gravity of the act(s), disciplinary action(s), or crime(s) under

1 consideration as grounds for suspension or revocation.

2 (2) Evidence of any act(s), disciplinary action(s), or crimes committed
3 subsequent to the act(s) or crime(s) under consideration as grounds for suspension or
4 revocation.

5 (3) The time that has elapsed since commission of the act(s), disciplinary
6 action(s), or crime(s) referred to in paragraph (1) or (2).

7 (4) Whether the licensee has complied with any terms of probation, parole,
8 restitution or any other sanctions lawfully imposed against the licensee.

9 (5) The criteria in subsection (b)(1) through (5), as applicable.

10 (6) If applicable, evidence of dismissal proceedings pursuant to Section 1203.4
11 of the Penal Code.

12 (7) Evidence, if any, concerning the degree to which a false statement relative
13 to application for licensure may have been unintentional, inadvertent or immaterial.

14 (8) Efforts made by the applicant either to correct a false statement once made
15 on an application or to conceal the truth concerning facts required to be disclosed.

16 (9) Evidence, if any, of rehabilitation submitted by the licensee.

17 (d) When considering a petition for reinstatement of a license or registration
18 under the provisions of Section 4990.30 of the Code, the board shall evaluate
19 evidence of rehabilitation submitted by the petitioner considering those criteria
20 specified in Section 1813 of this article.

21 13. California Code of Regulations, title 16, section 1881 states:

22 As used in Section 4992.3 of the code, unprofessional conduct includes, but is
23 not limited to:

24 (a) Misrepresents the type or status of license held by such person or otherwise
25 misrepresents or permits the misrepresentation of his or her professional
26 qualifications or affiliations.

27 (b) Impersonates a licensee or who allows another person to use his or her
28 license.

(c) Aids or abets an unlicensed person to engage in conduct requiring a license.

(d) Intentionally or recklessly causes physical or emotional harm to a client.

(e) Commits any dishonest, corrupt, or fraudulent act which is substantially
related to the qualifications, functions or duties of a licensee.

(f) Has sexual relations with a client, or who solicits sexual relations with a
client, or who commits an act of sexual abuse, or who commits an act of sexual
misconduct, or who commits an act punishable as a sexual related crime if such act or
solicitation is substantially related to the qualifications, functions or duties of a
Licensed Clinical Social Worker.

1 (g) Performs or holds himself or herself out as able to perform professional
2 services beyond his or her field or fields of competence as established by his or her
education, training and/or experience.

3 (h) Permits a person under his or her supervision or control to perform or
4 permits such person to hold himself or herself out as competent to perform
professional services beyond the level of education, training and/or experience of that
5 person.

6 (i) Fails to maintain the confidentiality, except as otherwise required or
permitted by law, of all information that has been received from a client during the
7 course of treatment and all information about the client which is obtained from tests
or other such means.

8 (j) Prior to the commencement of treatment, fails to disclose to the client, or
9 prospective client, the fee to be charged for the professional services, or the basis
upon which such fee will be computed.

10 (k) Advertises in a manner which is false or misleading.

11 (l) Reproduces or describes in public or in publications subject to general public
12 distribution, any psychological test or other assessment device, the value of which
depends in whole or in part on the naivete of the subject, in ways that might
13 invalidate such test or device. The licensee shall limit access to such test or device to
persons with professional interest who are expected to safeguard their use.

14 (m) Commits an act or omission which falls sufficiently below that standard of
15 conduct of the profession as to constitute an act of gross negligence.

16 (n) Pays, accepts or solicits any consideration, compensation or remuneration
for the referral of professional clients. All consideration, compensation or
17 remuneration must be in relation to professional counseling services actually provided
by the licensee. Nothing in this section shall prevent collaboration among two or
18 more licensees in a case or cases. However, no fee shall be charged for such
collaboration except when disclosure of such fee is made in compliance with
19 subparagraph (j) above.

20 (o) Fails to comply with the child abuse reporting requirements of Penal Code
Section 11166.

21 (p) Fails to comply with the elder and dependent adult abuse reporting
22 requirements of Welfare and Institutions Code Section 15630.

23 (q) Failure to provide to the board, as authorized by law, copies of records
within 15 days of receipt of the request or within the time specified in the request,
24 whichever is later, unless the licensee or registrant is unable to provide the records
within this time period for good cause. Good cause includes, but is not limited to,
25 physical inability to access the records in the time allowed due to illness or travel, or
inability to obtain the necessary patient release authorization, if applicable. This
26 subsection shall not apply to a licensee or registrant who does not have access to, and
control over, medical records.

27 (r) Failure to cooperate and participate in any board investigation pending
28 against the licensee or registrant. This subsection shall not be construed to deprive a
licensee, registrant, or a consumer of any rights or privilege guaranteed by the Fifth

1 Amendment to the Constitution of the United States, or any other constitutional or
2 statutory rights or privileges. This subsection shall not be construed to require a
3 licensee or registrant to cooperate with a request that would require the licensee,
4 registrant, or a consumer to waive any constitutional or statutory rights or privilege or
5 to comply with a request for information or other matters within an unreasonable
period of time in light of the time constraints of the licensee's or registrant's practice.
Any exercise by a licensee or registrant of any constitutional or statutory rights or
privilege shall not be used against the licensee or registrant in a regulatory or
disciplinary proceeding against the licensee or registrant.

6 (s) Failure to report to the board within 30 days any of the following:

7 (1) A conviction of any felony or misdemeanor, which is not subject to Health
8 & Safety Code sections 11357 (b), (c), (d), (e), or 11360 (b). A conviction includes
any verdict of guilty, or plea of guilty or no contest.

9 (2) Any disciplinary action taken by another licensing entity or authority of this
10 state or of another state or an agency of the federal government or the United States
military.

11 (t) Failure to provide, within 30 days of a request, documentation to the Board
12 regarding the arrest of the licensee or registrant, except for records of convictions or
arrests protected under Penal Code section 1000.4, or Health and Safety Code
13 sections 11361.5 and 11361.7.

14 (u) Failure or refusal to comply with a court order, issued in the enforcement of a subpoena,
15 mandating the release of records to the board.

16 **COST RECOVERY**

17 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
18 administrative law judge to direct a licensee found to have committed a violation or violations of
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
20 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
21 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
22 included in a stipulated settlement.

23 **FACTUAL ALLEGATIONS**

24 **June 14, 2021 Unprofessional Conduct Concerning Client 1¹**

25 15. Commencing on or about November 2020, Client 1, a minor female, began seeing
26 Respondent on a weekly basis via Zoom for mental health treatment. On June 14, 2021, Client 1,
27 who was seventeen years old at the time, received an unexpected telephone call from Respondent.

28 ¹ Client 1's name is omitted in order to protect her right of privacy.

1 Respondent asked her how she was doing, and Client 1 thought Respondent was calling to check
2 in on her since Client 1 had missed an appointment the prior week.

3 16. Respondent talked to Client 1 for approximately three and one half hours. During the
4 telephone conversation, Respondent made inappropriate, inflammatory, and accusatory comments
5 to Client 1, who was home alone. The statements made Client 1 feel uncomfortable and did not
6 feel right to her coming from her therapist. However, because Respondent was her therapist and
7 Client 1 was home by herself, Client 1 did not feel able to end the conversation.

8 17. The statements Respondent made included, but were not limited to:

9 a. Client 1 had been neglected, was unloved, and had "lost connection with the outside
10 world."

11 b. Respondent was going to send Client 1's father to jail for failure to pay child support.

12 c. Client 1's parents have to work hard because they are immigrants in a racist country.

13 d. Client 1's parents lied to her about the reason for their divorce.

14 e. Client 1 had an eating disorder and was anemic.

15 f. Client 1 was bipolar, just like her cousin.

16 g. Client 1's sexuality was "different" and that she was bisexual.

17 h. Client 1 should make all her social media accounts public.

18 i. Respondent asked if Client 1 knew how to kill the right people.

19 j. Respondent told Client 1 she would place her in an emergency room for 72-hours and
20 force food down her throat.

21 k. Respondent stated that Client 1 was her's forever and she would never leave Client 1.

22 l. Respondent told Client 1 she was a baby, started to sing lullabies, and asked Client 1 to
23 sing along.

24 18. At one point during the conversation, Client 1 heard Respondent get in a car.
25 Respondent told Client 1 that she was going to Client 1's house. Client 1 texted her mother for
26 help. She told her mother that she needed to come home right away. In response, Client 1's
27 mother reported to her employer that she had an emergency at home, left work, and went right
28 home.

1 19. When Client 1's mother arrived home, she observed her daughter crying and on the
2 telephone with Respondent. She asked her daughter to place the call on speaker. She felt she
3 needed to know what was going on before she intervened. Client 1's mother listened in on the
4 conversation for approximately twenty-five minutes. When Client 1 attempted to end the
5 conversation and Respondent became angry, Client 1's mother got on the telephone and told
6 Respondent that she was being unprofessional and they no longer needed her services.

7 20. Client 1 was in shock after the telephone call. She felt that Respondent used issues
8 that she had trustingly shared in therapy against her.

9 21. The inflammatory nature of Respondent's statements regarding Client 1, her family,
10 and future threats caused Client 1 extreme distress as well as emotional harm.

11 22. In correspondence to the Board, dated April 18, 2022, Respondent admits that she
12 telephoned Client 1 on June 14, 2021. She states that she called Client 1 to tell Client 1 that she
13 would be out of the office for one week. Respondent admits she made "irrational" comments on
14 the telephone call to Client 1 and states she was "not well."

15 **March 23, 2022 Criminal Conviction Concerning Heather B. and Eddie T.**

16 23. In an unrelated incident, on January 28, 2022, at approximately 9:02 a.m., Huntington
17 Beach Police Department officers responded to a disturbance call for service at Pier Plaza and
18 Amphitheatre in Huntington Beach. The incident involved Respondent and two victims, Heather
19 B. and Eddie T. When the police officers contacted Respondent, Respondent began to ramble,
20 acted like she did not speak English, and then spontaneously stated, "He can have his backpack
21 back, but I'm not giving him his knife to cut me."

22 24. The police officers interviewed the victims. According to Heather B., she began
23 videotaping Respondent with her cellphone after she observed Respondent hit and yell at an older
24 female who had left prior to the police officer's arrival. The cellphone recording aggravated
25 Respondent. Respondent called Heather B. a racist and white bitch. She threatened to hit
26 Heather B. with a stick and break her camera. Respondent threatened that she had a knife, and
27 that she was going to stab and kill Heather B.

28 25. According to Eddie T., he left his backpack on the ground and walked a short

1 distance away from it. Respondent was walking away with his backpack when he came back to
2 its location. She would not give the backpack back to him. Respondent also took his drumsticks
3 and a pocket knife. In an attempt to avoid a violent altercation, Eddie T. stepped away from
4 Respondent.

5 26. The police officers subsequently arrested Respondent for violating Penal Code
6 sections 488 (Petty Theft), 21310 (Carrying Dirk or Dagger Concealed on the Person), and 422
7 (Criminal Threats). During a post-arrest interview, Respondent admitted to the police that she
8 took Eddie T.'s backpack and knife, and that she took his backpack to teach him a lesson. She
9 admitted that she was going to use the knife, which was open in her pocket, on Heather B. She
10 stated she put the knife in her pocket "with intention to use." Respondent was in jail for almost
11 two months.

12 27. On March 23, 2022, in a criminal proceeding entitled *People v. Africa Renee*
13 *Rojas Rivera*, Superior Court of California, County of Orange, Case No. HBPD 22-111213,
14 Respondent pled guilty to, and was convicted of, violating Penal Code section 422(a) (Criminal
15 Threats) and Penal Code section 488 (Petty Theft). The crimes of which she was convicted are
16 misdemeanors. Respondent was sentenced to one year of informal probation under several terms
17 and conditions, including but not limited to: (1) pay fines and restitution; (2) serve 108 days in
18 jail with credit for 54 days served for good conduct; (3) relinquish firearms; and (4) obey all laws.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Gross Negligence)**

21 28. Respondent is subject to disciplinary action under Code section 4992.3, subdivision
22 (e), and California Code of Regulations, title 16, section 1881(m), in that she was grossly
23 negligent in the care and treatment of Client 1. The allegations in paragraphs 15 to 22 are hereby
24 incorporated by reference as though fully set forth herein.

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Incompetence)**

27 29. Respondent is subject to disciplinary action under Code section 4992.3, subdivision
28 (d), and California Code of Regulations, title 16, section 1881(g), in that she was incompetent in

1 the care and treatment of Client 1. The allegations in paragraphs 15 to 22 are hereby incorporated
2 by reference as though fully set forth herein.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct)**

5 30. Respondent is subject to disciplinary action under Code section 4992.3, California
6 Code of Regulations, title 16, section 1881, in that she engaged in unprofessional conduct in the
7 care and treatment of Client 1. The allegations in paragraphs 15 to 22 are hereby incorporated by
8 reference as though fully set forth herein.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **(Client Harm)**

11 31. Respondent is subject to disciplinary action under Code section 4992.3, subdivision
12 (j), and California Code of Regulations, title 16, section 1881(d), in that she intentionally or
13 recklessly caused emotional harm to Client 1. The allegations in paragraphs 15 to 22 are hereby
14 incorporated by reference as though fully set forth herein.

15 **FIFTH CAUSE FOR DISCIPLINE**

16 **(Criminal Conviction)**

17 32. Respondent is subject to disciplinary action under Code sections 4992.3, subdivision
18 (a), and 490, in that she was convicted of misdemeanor crimes that are substantially related to the
19 qualifications, duties, and functions of an Associate Clinical Social Worker. The allegations in
20 paragraphs 23 to 27 are hereby incorporated by reference as though fully set forth herein.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
23 and that following the hearing, the Board of Behavioral Sciences issue a decision:

24 1. Revoking or suspending Associate Clinical Social Worker Registration Number ASW
25 90380 issued to Respondent Africa Renee Rojas Rivera;

26 2. Ordering Respondent Africa Renee Rojas Rivera to pay the Board of Behavioral
27 Sciences the reasonable costs of the investigation and enforcement of this case, pursuant to
28 Business and Professions Code section 125.3; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: September 27, 2022

Steve Sodergren

STEVE SODERGREN
Executive Officer
Board of Behavioral Sciences
Department of Consumer Affairs
State of California
Complainant

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